

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CLOCKWORK HOME SERVICES,)
INC. et al.,)
)
Plaintiffs,)
)
vs.)
)
ANGELO PASCALE,)
)
Defendant.)

Case No. 4:09CV142 CDP

MEMORANDUM AND ORDER

Plaintiffs have asked for leave to file an amended complaint so that they may add a new defendant. I will grant this motion, and plaintiffs are reminded that they must serve the new corporate defendant according to the Federal Rules.

Defendant Angelo Pascale sent me a letter that I will liberally construe as a motion to dismiss under Fed. R. Civ. P. 12(b)(6) and a motion to transfer venue under 28 U.S.C. § 1404. Plaintiffs filed a memorandum in opposition, but Pascale has not provided any factual or legal support for his requests. Accordingly, I will direct Pascale, acting pro se or through an attorney, to file a brief with the Court in support of his motions. In his brief, Mr. Pascale must set forth specific facts, supported by evidence and appropriate affidavits, showing why he is entitled to


the relief he requests. Plaintiffs may then respond to Pascale's brief within the time set by local rules for responding to motions.

Further, Mr. Pascale cannot respond on behalf of the corporation because he is not a lawyer: an attorney for the newly added corporate defendant must respond for the corporation, once the corporation is properly served.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion to file an amended complaint [#14] is granted. Plaintiffs' First Amended Complaint is deemed filed as of the date of this Order, and plaintiffs are reminded of their obligation to promptly obtain service on the newly added defendant.

IT IS FURTHER ORDERED that defendant Pascale must file a brief with the Court, within **fourteen (14) days** of this Order, setting out the legal and factual support for his motion to dismiss and motion to change venue.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 24th day of March, 2009.